

BEFORE THE DEPARTMENT OF MOTOR VEHICLES
OF THE STATE OF CALIFORNIA

In the Matter of the Hearing)
Concerning the Driving Privilege of:)
Abhinav Bhatnagar) File D3219816
at the Department of Motor Vehicles)
303 Hegenberger Road, Suite 400)
Oakland, CA 94621)
March 30, 2007)

HEARING OFFICER BEIREIS-MOLNAR: We're on record.
And today's date is March the 30th of the year 2007. My
name is Mrs. Molnar. I'm a Hearing Officer with Oakland
Driver Safety assigned to the renewed right to the
hearing for Abhinav --

MR. BHATNAGAR: Yes.

HEARING OFFICER BEIREIS-MOLNAR: -- Bhatnagar?

MR. BHATNAGAR: You got it. Okay.

HEARING OFFICER BEIREIS-MOLNAR: Oh, I was sweating
that name.

MR. BHATNAGAR: (Inaudible.)

HEARING OFFICER BEIREIS-MOLNAR: And this is D, as in
David, 3219816. And this hearing's being held in person
in the Oakland Driver Safety Office.

We are tape recording to provide a record upon
request.

1 And the issues for today's matter include the
2 following:

3 Issue one, did the peace officer have reasonable
4 cause to believe that you were driving a motor vehicle in
5 violation of section 23140, 23152, or 23153 of the
6 Vehicle Code.

7 Issue two, were you lawfully arrested.

8 And issue three, were you driving a motor vehicle
9 with .08 percent or more by weight of alcohol in your
10 blood, or if under age 21 years with a .05 percent or
11 more by weight of alcohol in your blood.

12 And issue number four, which evidence was defective,
13 lacking or insufficient resulting in the District
14 Attorney not filing DUI charges or DUI criminal charges,
15 or if DUI criminal charges were not filed, they were
16 later dismissed by a court due to insufficient evidence.

17 And counsel, I'm going to note for the record that
18 Officer Ingrassia was subpoenaed by the Department. He
19 did appear here today to report for the hearing itself.
20 But I was later informed by our staff at the reception
21 desk that Officer Ingrassia noted that whatever decision
22 we make here will be without his presence and he left.

23 MR. TAGUCHI: Well, not without his presence.
24 Without his testimony.

25 HEARING OFFICER BEIREIS-MOLNAR: Okay. I wasn't

1 present during the initial contact. But in my discussion
2 with our support staff person, the indication was that
3 whatever decision that we made would be without him being
4 here.

5 MR. TAGUCHI: That was correct. I was a witness to
6 him coming up to the window saying that he wasn't going
7 to testify and that he was -- whatever they -- whatever
8 the DMV wanted to do, he was going to -- you guys were
9 going to do without him.

10 HEARING OFFICER BEIREIS-MOLNAR: Okay.

11 MR. TAGUCHI: And he left in violation of the
12 subpoena.

13 HEARING OFFICER BEIREIS-MOLNAR: And that's so noted,
14 counsel. And I'm going to mark the subpoena as one of
15 our documents. And we'll proceed without his presence.
16 And this Hearing Officer will follow up with the sergeant
17 of that agency regarding this matter.

18 MR. TAGUCHI: Well, I don't really think you're going
19 to really get anywhere and that they know this case. And
20 you're going to see that this officer has been -- had two
21 findings made by two different judges that he stopped
22 individuals based on their race. One of the cases was
23 Mr. Bhatnagar's case. We have a transcript to prove that
24 the judge found that he -- that this officer stopped him
25 based on his race.

1 Obviously he -- he -- that's a basis of a civil suit.
2 The person next to me is Mr. Bhatnagar's counsel for a
3 civil suit. So there -- Mr. Bhatnagar has filed an
4 Internal Affairs investigation against him. They all
5 know about it. They'll investigate it. You can talk to
6 Internal Affairs.

7 HEARING OFFICER BEIREIS-MOLNAR: So it sounds like a
8 lot --

9 MR. TAGUCHI: They know it.

10 HEARING OFFICER BEIREIS-MOLNAR: -- of issues going
11 on here other than what we have before us.

12 MR. TAGUCHI: They know what's going on with this
13 officer in this case and this other case. I mean they
14 know what's going on.

15 HEARING OFFICER BEIREIS-MOLNAR: Okay.

16 MR. TAGUCHI: So I'm sure they're going to say, so?

17 HEARING OFFICER BEIREIS-MOLNAR: Okay.

18 MR. TAGUCHI: Don't even waste your time. I mean you
19 can if you feel like you need to do for due diligence --

20 HEARING OFFICER BEIREIS-MOLNAR: Well, I think
21 that --

22 MR. TAGUCHI: -- to -- to talk to him.

23 HEARING OFFICER BEIREIS-MOLNAR: -- just for the
24 diligence and to follow through that this needs to be
25 documented and needs to be reported as it is a violation

1 of the subpoena, and he -- which is part of the DOT
2 duties.

3 MR. TAGUCHI: Yeah.

4 HEARING OFFICER BEIREIS-MOLNAR: So I'll -- I'll go
5 ahead and call the agency and let them know.

6 MR. TAGUCHI: Well, he has a right not to incriminate
7 himself either.

8 HEARING OFFICER BEIREIS-MOLNAR: And that -- and
9 that's fine. But we're going to go forward anyway,
10 regardless of his presence of non-presence.

11 MS. **: I'd like to make one correction. I'm not
12 the counsel. I'm the intern for the counsel representing
13 Mr. Bhatnagar. So just so that it's --

14 HEARING OFFICER BEIREIS-MOLNAR: Okay.

15 MS. CHAN: -- on record.

16 HEARING OFFICER BEIREIS-MOLNAR: All right.

17 MS. CHAN: (Inaudible.)

18 HEARING OFFICER BEIREIS-MOLNAR: Well, I'm going to
19 ask everybody to introduce themselves at this time,
20 starting out with counsel.

21 MR. TAGUCHI: Kevin Taguchi. My address is 1260 B
22 Street, Suite 240, Hayward, California.

23 HEARING OFFICER BEIREIS-MOLNAR: Okay. And ma'am,
24 your name is?

25 MS. CHAN: Candace Chan. I'm the intern for Jenny

1 Wang, who is the civil counsel representing Mr. Bhatnagar
2 at Justice First.

3 HEARING OFFICER BEIREIS-MOLNAR: So your presence
4 here is basically to observe --

5 MS. CHAN: Yes.

6 HEARING OFFICER BEIREIS-MOLNAR: -- the proceedings?
7 Okay. I'll note that.

8 And Mr. Bhatnagar, I'm going to ask you to state your
9 name --

10 MR. BHATNAGAR: Sure.

11 HEARING OFFICER BEIREIS-MOLNAR: -- and your address
12 for the record.

13 MR. BHATNAGAR: Sure. My name is Abhinav Bhatnagar.
14 And my address is 36927 Papaya Street, Newark,
15 California. Zip code is 94560.

16 HEARING OFFICER BEIREIS-MOLNAR: Okay. Counsel, will
17 Mr. Bhatnagar be testifying today?

18 MR. TAGUCHI: I don't know if that'll be necessary.
19 I have a transcript from his testimony, so I think we can
20 just save a lot of time and just go over the testimony
21 from his --

22 HEARING OFFICER BEIREIS-MOLNAR: Okay. Well, just in
23 case he wishes to provide any testimony, I'll place him
24 under oath.

25 MR. TAGUCHI: Oh, thank you.

1 HEARING OFFICER BEIREIS-MOLNAR: So please raise your
2 right hand. Do you swear or affirm to tell the truth,
3 the whole truth, and nothing but the truth to the
4 testimony you'll give here today?

5 MR. BHATNAGAR: Yes.

6 HEARING OFFICER BEIREIS-MOLNAR: Okay. And did you
7 wish me to go over the hearing rights?

8 MR. TAGUCHI: No. We'll waive the hearing rights.

9 HEARING OFFICER BEIREIS-MOLNAR: All right. Then,
10 counsel, let me go ahead and identify the documents
11 contained within the case file.

12 **Exhibit No. 1** is the field file. It contains all the
13 information brought forth in the original hearing of --
14 which apparently was conducted on July 26 of 2006. Now,
15 those documents entail the following documents:

16 It's an Age 21 and Older Officer's Statement, with a
17 Probable Cause Statement, a Temporary License. These
18 were prepared by Officer Ingrassia.

19 And you have copies of these, counsel, correct?

20 MR. TAGUCHI: Yes, I do.

21 HEARING OFFICER BEIREIS-MOLNAR: Okay. And then
22 there's a report drafted by Officer Ingrassia, along with
23 the Supplemental Narrative and a law enforcement
24 printout.

25 There's a Declaration from a Jonathan Young, who drew

1 the blood of Mr. Bhatnagar, who indicates he's a
2 phlebotomist, and indicates the method which was
3 utilized.

4 There's a Toxicology Report from the Forensic
5 Services Division, Contra Costa County Office of the
6 Sheriff which indicates a blood alcohol concentration of
7 .09 percent. And this is signed by a forensic
8 toxicologist, and dated May 31st, 2006.

9 And there's a driver's record printout of
10 Mr. Bhatnagar dated for June 19th of 2006, and this is
11 driver's license D, as in David, 3219816.

12 There are also documents which were submitted by --
13 on behalf of Mr. Bhatnagar. There's several photographs,
14 as well as several letters that were drafted by various
15 different people.

16 Okay. There's a Cingular telephone bill, or a
17 partial bill. And there is a Notice to Appear that
18 was -- and the date on this is very light, but it was
19 initialed by -- or signed by Officer Ingrassia indicating
20 a violation of the Vehicle Code 21461(a).

21 **(Department's Exhibit No. 1 marked for**
22 **identification.)**

23 HEARING OFFICER BEIREIS-MOLNAR: Okay. And to my
24 knowledge, counsel, these are the exact documents that
25 were utilized during the initial onset of the hearing.

1 MR. TAGUCHI: If I may look at those, please?

2 HEARING OFFICER BEIREIS-MOLNAR: Sure.

3 MR. TAGUCHI: Can I state my objections now?

4 HEARING OFFICER BEIREIS-MOLNAR: Let me finish going
5 over the rest of -- the remainder of the documents.

6 MR. TAGUCHI: Okay. All right.

7 HEARING OFFICER BEIREIS-MOLNAR: Let me know when
8 you're ready, or if you want me to continue on.

9 MR. TAGUCHI: Yes, you can go (inaudible).

10 HEARING OFFICER BEIREIS-MOLNAR: Okay. **Exhibit No. 2**
11 is a Subpoena of which was mailed out for the appearance
12 of Officer Ingrassia, which was sent to his agency
13 February 27th of 2007. And he is not present at this
14 time per our prior conversation on record regarding this
15 matter.

16 (Department's Exhibit No. 2 marked for
17 identification.)

18 HEARING OFFICER BEIREIS-MOLNAR: **Exhibit No. 3** is a
19 new driver's record printout dated March 30th, 2007, of
20 the driver's record of Mr. Bhatnagar, driver's license D,
21 as in David, 3219816.

22 (Department's Exhibit No. 3 marked for
23 identification.)

24 HEARING OFFICER BEIREIS-MOLNAR: And this document
25 indicates that a suspension was upheld in regard to a DUI

1 hearing that was held, and this is -- and it looks like
2 the suspension went into effect on September --

3 MR. BHATNAGAR: October. October.

4 HEARING OFFICER BEIREIS-MOLNAR: No. October 25th of
5 2006.

6 MR. BHATNAGAR: Yes.

7 HEARING OFFICER BEIREIS-MOLNAR: And that as a result
8 of indication after information was submitted, this case
9 was reopened to provide new testimony.

10 MR. BHATNAGAR: Yes.

11 HEARING OFFICER BEIREIS-MOLNAR: Okay. **Exhibit No. 4**
12 is a 702 form, which is a document Notice to File
13 Criminal Charges, indicating that probable cause for the
14 stop was insufficient. The suppression motion was
15 granted. As a result, District Attorney Office dismissed
16 all charges. This is signed by the District Attorney
17 Douglas B. Foley, and dated January 5th of 2007. And
18 there is also a Clerk's Docket and Minutes also
19 indicating this information.

20 **(Department's Exhibit No. 4** marked for
21 identification.)

22 HEARING OFFICER BEIREIS-MOLNAR: Okay. Counsel,
23 those are all the documents that the Department will be
24 presenting at this time. Did you wish to state
25 objections?

1 MR. TAGUCHI: Absolutely. These documents, the 367
2 form as well as the Probable Cause Statement as well as
3 the officer's report should all be excluded for his
4 failure to appear on the Subpoena and his right to cross-
5 examine. I mean the guy was here and he left. And
6 there's no way -- it's a violation of the constitutional
7 right to allow this evidence to -- to appear at an
8 administrative hearing when he's been subpoenaed, and it
9 directly violates the subpoena. And that is -- that
10 should be number one. You know, there's no opportunity
11 to cross-examine on his false statements regarding that
12 Mr. Bhatnagar -- that he observed Mr. Bhatnagar making an
13 illegal U-turn.

14 HEARING OFFICER BEIREIS-MOLNAR: Okay.

15 MR. TAGUCHI: I -- I marked something in here. I --

16 HEARING OFFICER BEIREIS-MOLNAR: Okay.

17 MR. TAGUCHI: (Inaudible.)

18 HEARING OFFICER BEIREIS-MOLNAR: That's -- that's
19 fine, counsel. I'm going to take that objection under
20 submission at this time, counsel. But I am making due
21 notice that the officer is not present. And he was here.
22 And that he did leave.

23 MR. TAGUCHI: Okay. So --

24 HEARING OFFICER BEIREIS-MOLNAR: Okay? Now, with
25 regard to **Exhibits 2, 3 and 4**, do you have any objection

1 to these documents? I know **Exhibit No. 3**, you may not
2 have a copy of the updated printout.

3 MR. TAGUCHI: No. And that's not necessary.

4 HEARING OFFICER BEIREIS-MOLNAR: Okay.

5 MR. TAGUCHI: As far as the other documents, I was
6 going to submit those, so obviously I have no objection
7 with the --

8 HEARING OFFICER BEIREIS-MOLNAR: Okay.

9 MR. TAGUCHI: -- the 702 form, as well as the Clerk's
10 Docket noting the dismissal that the arrest was made
11 without warrant, which I believe is an issue with this
12 particular hearing.

13 HEARING OFFICER BEIREIS-MOLNAR: Okay. So **Exhibits**
14 **No. 2, 3 and 4**, no objections noted. All those documents
15 will be marked and moved for evidence.

16 (Department's **Exhibit Nos. 2 through 4** received
17 in evidence.)

18 HEARING OFFICER BEIREIS-MOLNAR: And counsel, I know
19 that you wish to present some further new evidence.

20 MR. TAGUCHI: Yes.

21 HEARING OFFICER BEIREIS-MOLNAR: Do you wish to go
22 ahead and do that now?

23 MR. TAGUCHI: Yes, I do. We have a transcript from
24 that hearing dated November 27th, 2006, for the People
25 versus Abhi Bhatnagar, where Officer Ingrassia basically

1 he gives his testimony that Mr. Bhatnagar -- that he
2 witnessed Mr. Bhatnagar make an illegal U-turn and then
3 pulled him over and at the Valero gas station, which was
4 on the corner. If you -- we have some photographs of the
5 particular area. My client will -- will testify briefly
6 regarding just some basic facts.

7 HEARING OFFICER BEIREIS-MOLNAR: Okay.

8 MR. TAGUCHI: I'm going to get the photographs.

9 HEARING OFFICER BEIREIS-MOLNAR: Now, are these the
10 photographs that were submitted earlier?

11 MR. TAGUCHI: Yes. Yes.

12 HEARING OFFICER BEIREIS-MOLNAR: And counsel, maybe
13 it'd be better if I go ahead and identify the photographs
14 and the statements of witnesses and the information you
15 provided --

16 MR. TAGUCHI: Sure.

17 HEARING OFFICER BEIREIS-MOLNAR: -- at the --

18 MR. TAGUCHI: The last hearing.

19 HEARING OFFICER BEIREIS-MOLNAR: -- previous
20 testimony --

21 MR. TAGUCHI: That would be helpful.

22 HEARING OFFICER BEIREIS-MOLNAR: -- at the last
23 hearing --

24 MR. TAGUCHI: Yes.

25 HEARING OFFICER BEIREIS-MOLNAR: -- as a separate

1 document. So I'll remove that document from **Exhibit**
2 **No. 1** and mark that **as Exhibit A** on behalf of
3 Mr. Bhatnagar.

4 (Licensee's **Exhibit A** marked for identification.)

5 HEARING OFFICER BEIREIS-MOLNAR: Now, did you want to
6 go ahead and identify these documents and let me know
7 exactly what they are?

8 MR. TAGUCHI: Sure. Mr. Bhatnagar, can you please
9 identify what has been marked as A?

10 MR. BHATNAGAR: Yes.

11 MR. TAGUCHI: If you can review that?

12 MR. BHATNAGAR: Yes. I'm just looking at it. Yes.
13 I just have idea.

14 HEARING OFFICER BEIREIS-MOLNAR: Okay. So can you
15 tell me --

16 MR. TAGUCHI: Can you explain it to her, please?

17 HEARING OFFICER BEIREIS-MOLNAR: -- exactly what this
18 is?

19 MR. TAGUCHI: She wants you to explain.

20 HEARING OFFICER BEIREIS-MOLNAR: It looks like an
21 aerial photograph.

22 MR. BHATNAGAR: Yeah, this is aerial. This is on San
23 Ramon, Bollinger Canyon Road. I'm just making sure that
24 this should be westbound direction from here. And --

25 MR. TAGUCHI: Here's the map right there.

1 MR. BHATNAGAR: Okay. Okay. So this is eastbound,
2 westbound. I'm sorry. The westbound is this direction.

3 HEARING OFFICER BEIREIS-MOLNAR: Okay.

4 MR. BHATNAGAR: So I was coming here and turn left to
5 the gas station. I believe this is the gas station right
6 here. Yes. And then this is the other side. It's
7 eastbound. So I got it now.

8 MR. TAGUCHI: So, okay. Which direction -- or what's
9 the name of this street, pointing to the large street
10 depicted on **Exhibit A**?

11 MR. BHATNAGAR: It's Bollinger Canyon.

12 MR. TAGUCHI: Okay. And which direction were you
13 headed?

14 MR. BHATNAGAR: I was westbound.

15 MR. TAGUCHI: On the night that you were pulled over?

16 MR. BHATNAGAR: Yeah.

17 MR. TAGUCHI: Westbound?

18 MR. BHATNAGAR: Yes.

19 MR. TAGUCHI: So going from right to left as depicted
20 in the photo?

21 MR. BHATNAGAR: Yes.

22 MR. TAGUCHI: Okay. And then what did you do when
23 you were going down San Ramon?

24 MR. BHATNAGAR: I turned left on Marketplace and I
25 got into the gas station. Turned right into the gas

1 station.

2 MR. TAGUCHI: Okay. Showing you what has been marked
3 as **Exhibit C** -- C, what is that?

4 HEARING OFFICER BEIREIS-MOLNAR: Okay. These have
5 previously been marked, so -- but all these photographs
6 are under **Exhibit A**. But we'll go with the marking on
7 the previous file in -- in trying to --

8 MR. TAGUCHI: Well, this has been marked as C, it
9 looks like.

10 HEARING OFFICER BEIREIS-MOLNAR: Right. At the
11 previous hearing.

12 MR. TAGUCHI: Right. So can we --

13 HEARING OFFICER BEIREIS-MOLNAR: So we can just
14 distinguish those by, you know, the previous markings on
15 the hearing.

16 MR. TAGUCHI: Okay.

17 HEARING OFFICER BEIREIS-MOLNAR: So this -- this
18 photograph is C.

19 MR. BHATNAGAR: Okay.

20 MR. TAGUCHI: And -- and C, what does that depict?

21 MR. BHATNAGAR: It shows the gas station and where my
22 car was parked.

23 MR. TAGUCHI: Okay. Where is that gas station
24 depicted on this photograph?

25 MR. BHATNAGAR: From here I believe it's going to be

1 this one.

2 MR. TAGUCHI: Okay. What street is this?

3 MR. BHATNAGAR: This is Market.

4 MR. TAGUCHI: Okay. So you went --

5 HEARING OFFICER BEIREIS-MOLNAR: So Market is the
6 cross street there?

7 MR. TAGUCHI: So you went down San Ramon and made a
8 left turn on Market?

9 MR. BHATNAGAR: Yes.

10 MR. TAGUCHI: Is there a place to make a left-hand
11 turn?

12 MR. BHATNAGAR: Yes.

13 MR. TAGUCHI: Did you make the left-hand turn
14 legally?

15 MR. BHATNAGAR: Yes.

16 MR. TAGUCHI: And then what did you do after you make
17 the left-hand turn?

18 MR. BHATNAGAR: And then I got to the right lane and
19 got to turn right into the gas station.

20 MR. TAGUCHI: Showing you what's been marked as
21 **Exhibit D**, can you tell us what's depicted in that
22 photograph?

23 MR. BHATNAGAR: Yeah. It's the traffic signal, same
24 five lanes. It's a big street.

25 MR. TAGUCHI: What street is that?

1 MR. BHATNAGAR: Bollinger Canyon.

2 HEARING OFFICER BEIREIS-MOLNAR: Okay.

3 MR. BHATNAGAR: And I turned left from here and got
4 to the gas station.

5 MR. TAGUCHI: Okay. This is -- I'm sorry. You went
6 down Bollinger Canyon, not San Ramon.

7 MR. BHATNAGAR: No, no. San Ramon is the city.

8 MR. TAGUCHI: Right, right. Excuse me. So you went
9 down Bollinger Canyon.

10 MR. BHATNAGAR: Uh-hmm.

11 MR. TAGUCHI: That's Bollinger Canyon and that's
12 Market.

13 MR. BHATNAGAR: Yes.

14 MR. TAGUCHI: So you went down Bollinger Canyon and
15 made a left onto Market --

16 MR. BHATNAGAR: Yes.

17 MR. TAGUCHI: -- into the gas station?

18 MR. BHATNAGAR: Yes.

19 MR. TAGUCHI: And what's depicted in I?

20 MR. BHATNAGAR: It's the same more, similar.

21 MR. TAGUCHI: It looks like the same photograph.

22 MR. BHATNAGAR: Same photograph.

23 HEARING OFFICER BEIREIS-MOLNAR: Yeah.

24 MR. TAGUCHI: Okay.

25 HEARING OFFICER BEIREIS-MOLNAR: One's just lighter.

1 MR. BHATNAGAR: Yeah.

2 MR. TAGUCHI: All right. And so did you go down to
3 the next street --

4 MR. BHATNAGAR: No. No, I didn't.

5 MR. TAGUCHI: -- and make a U-turn at that area --

6 MR. BHATNAGAR: No.

7 MR. TAGUCHI: -- to go back to the gas station?

8 MR. BHATNAGAR: No. There is no point going further
9 when the gas station's right there.

10 MR. TAGUCHI: What's -- do you know the name of this
11 street?

12 MR. BHATNAGAR: I believe it's Bishop Ranch 1.

13 MR. TAGUCHI: Okay. So when Officer Ingrassia writes
14 in his report that you made an illegal U-turn, you never
15 made even a U-turn at that area, did you?

16 MR. BHATNAGAR: Never did. In fact, he gave me
17 twice, even second time also.

18 MR. TAGUCHI: We'll cover that. We'll cover that --

19 MR. BHATNAGAR: Okay.

20 MR. TAGUCHI: -- in a minute. So you went, got in
21 the gas station. How long were you in the gas station
22 before you saw Officer Ingrassia?

23 MR. BHATNAGAR: I was there at least two, three
24 minutes.

25 MR. TAGUCHI: Okay. And when you pulled up, where

1 did you pull up?

2 MR. BHATNAGAR: I pulled up at gas number two. When
3 I looked at the photograph --

4 MR. TAGUCHI: Okay.

5 MR. BHATNAGAR: -- right in -- right across the
6 cashier.

7 MR. TAGUCHI: Okay.

8 MR. BHATNAGAR: If you look at the photograph I can
9 show a lot better. It's right here. I'm sorry, ma'am,
10 it's a bit -- C.

11 MR. TAGUCHI: C.

12 HEARING OFFICER BEIREIS-MOLNAR: So this is C?

13 MR. BHATNAGAR: Yeah. You see the truck right there,
14 ma'am?

15 HEARING OFFICER BEIREIS-MOLNAR: I'm just going to
16 say there's like a little circle --

17 MR. BHATNAGAR: Yeah.

18 HEARING OFFICER BEIREIS-MOLNAR: -- to the left of
19 this --

20 MR. BHATNAGAR: My car was right here --

21 HEARING OFFICER BEIREIS-MOLNAR: -- pole.

22 MR. BHATNAGAR: -- parked. That's why I took the
23 photograph at that time.

24 HEARING OFFICER BEIREIS-MOLNAR: Okay. So it was --

25 MR. BHATNAGAR: Exactly there.

1 HEARING OFFICER BEIREIS-MOLNAR: Was it parked in
2 back of this first --

3 MR. BHATNAGAR: Back there, yeah, yeah.

4 HEARING OFFICER BEIREIS-MOLNAR: -- part here on the
5 right side?

6 MR. BHATNAGAR: Yeah, the back of this. And this is
7 the --

8 HEARING OFFICER BEIREIS-MOLNAR: Okay.

9 MR. BHATNAGAR: -- cashier right here.

10 HEARING OFFICER BEIREIS-MOLNAR: All right.

11 MR. BHATNAGAR: Do you want me to continue
12 (inaudible)?

13 MR. TAGUCHI: No, no, no. Hang on a second. Did --
14 when you got -- when the officer pulled up, were you in
15 your car or out of your car?

16 MR. BHATNAGAR: I was out of the car.

17 MR. TAGUCHI: And how long had you been out of the
18 car for?

19 MR. BHATNAGAR: I would say at least two minutes.
20 Two at least. Two to three minutes. Not exact time, but
21 similar to that.

22 MR. TAGUCHI: Where did the officer pull up within
23 the gas station?

24 MR. BHATNAGAR: He pulled right across right here.
25 Right across.

1 MR. TAGUCHI: So did he pull up behind you as it --

2 MR. BHATNAGAR: No.

3 MR. TAGUCHI: -- said in the police report?

4 MR. BHATNAGAR: He was right across me. In front of
5 me but across, you know.

6 MR. TAGUCHI: Okay. And what did he say to you when
7 he first got out there? Came there?

8 MR. BHATNAGAR: He thought I was with a Caucasian
9 girl who was very intoxicated at the gas station who had
10 previously asked me money, and I politely refused her.
11 And she was heavily intoxicated. There were two police
12 officers. They both started walking. First one started
13 walking to the girl. "Oh, she's kind of hot." And the
14 other -- this Officer Ingrassia came to me and said,
15 "Oh." It's weekend night. It's around 12:30, one
16 o'clock. There's a bar right across the gas station. I
17 had no idea.

18 MR. TAGUCHI: Where is the -- the bar depicted in
19 those photograph that's A?

20 MR. BHATNAGAR: It's just right across -- right
21 across right there. It's just --

22 HEARING OFFICER BEIREIS-MOLNAR: Is that across the
23 intersection, or I mean the -- the --

24 MR. BHATNAGAR: On Market.

25 HEARING OFFICER BEIREIS-MOLNAR: -- highway?

1 MR. BHATNAGAR: Yeah. No.

2 HEARING OFFICER BEIREIS-MOLNAR: Okay.

3 MR. BHATNAGAR: On Market. It's just right across.

4 Not on the highway, but right across Market. The gas
5 station's right here.

6 HEARING OFFICER BEIREIS-MOLNAR: Uh-huh.

7 MR. BHATNAGAR: Then the other gas station. And the
8 bar is right here.

9 HEARING OFFICER BEIREIS-MOLNAR: So is Market -- let
10 me just ask you about Market. Is that a two-laned
11 highway or is it a four-lane highway?

12 MR. BHATNAGAR: It's a four-lane.

13 HEARING OFFICER BEIREIS-MOLNAR: Okay.

14 MR. BHATNAGAR: It's two ways each way.

15 HEARING OFFICER BEIREIS-MOLNAR: All right.

16 MR. BHATNAGAR: So it's a pretty decent, you know,
17 street, too.

18 HEARING OFFICER BEIREIS-MOLNAR: Okay.

19 MR. BHATNAGAR: Like size-wise.

20 HEARING OFFICER BEIREIS-MOLNAR: Okay.

21 MR. BHATNAGAR: And then he said, "You know, did you
22 come from the bar?" And I said, "No." And he said, "Did
23 you have alcoholic beverages?" And I'm not going to lie.
24 Yes, I had. I had only two drinks, you know. And he
25 said, "Okay. Just I need to do all these physical tests

1 and" --

2 MR. TAGUCHI: Did he say anything about an illegal U-
3 -turn?

4 MR. BHATNAGAR: No, nothing like that. It was --
5 there was no -- nothing like that.

6 MR. TAGUCHI: Okay. That's it.

7 MR. BHATNAGAR: Okay.

8 MR. TAGUCHI: Did Officer -- did you later come into
9 contact with Officer Ingrassia outside of court on a
10 second occasion?

11 MR. BHATNAGAR: Yes.

12 MR. TAGUCHI: Okay. And how long ago after he
13 stopped you at the gas station was it?

14 MR. BHATNAGAR: It was in -- it was in September.
15 Because I had gone to give this -- tell the gas station
16 guy for -- to -- that he has to come to court and
17 everything.

18 MR. TAGUCHI: So you tried to look for one of your
19 witnesses?

20 MR. BHATNAGAR: Yeah.

21 MR. TAGUCHI: And what --

22 MR. BHATNAGAR: Mr. -- Mr. Ha at the gas -- same gas
23 station.

24 HEARING OFFICER BEIREIS-MOLNAR: Okay.

25 MR. BHATNAGAR: I went there --

1 MR. TAGUCHI: What time of -- what time of night was
2 that?

3 MR. BHATNAGAR: That was a weekday, but it was again
4 late because he works graveyards there. He works the
5 night shifts. And I'd gone in there and told him the
6 Public Defender will be sending a Subpoena. She wanted
7 some information, the Public Defender's Office, his
8 driver license and his address. And I got out of the car
9 and same like turn. I followed all the traffic signals.
10 Same police officer, Mr. Ingrassia, followed me for like
11 half a mile.

12 HEARING OFFICER BEIREIS-MOLNAR: And this is after
13 this initial event?

14 MR. BHATNAGAR: Yeah, initial event. And he turned
15 the lights on and then took me to this dark street, you
16 know, which is -- if I -- if I show you, like it's like
17 two, three blocks.

18 MR. TAGUCHI: So this initial time, your first
19 contact with him, was on May 20th, correct?

20 MR. BHATNAGAR: Yes. Yes.

21 MR. TAGUCHI: Of last year?

22 MR. BHATNAGAR: Yes.

23 MR. TAGUCHI: And then in September when you were --

24 MR. BHATNAGAR: Twenty-ninth.

25 MR. TAGUCHI: -- trying to make contact with your

1 witness, he followed you for about a half hour and --

2 MR. BHATNAGAR: Half a mile.

3 MR. TAGUCHI: Half a mile?

4 MR. BHATNAGAR: Yeah.

5 MR. TAGUCHI: And then he just pulled you over for no
6 reason?

7 MR. BHATNAGAR: Yeah. And he said -- excuse me."

8 MR. TAGUCHI: Brought you down to a -- brought you
9 down to a dark street?

10 MR. BHATNAGAR: Yes. And excuse my language. He
11 says, "What the fuck you're doing here, you know? I can
12 take your ass to jail any time, and I can beat you up and
13 I'll break your bones. I don't want to see your ass in
14 San Ramon." I was scared, you know. Like I -- I -- I
15 had a cell phone with me, and I acted that I was on the
16 phone, but I was not on the phone. And probably that
17 saved me because he thought I was talking to someone.

18 And he said, "Whatever attorneys you get" -- because
19 due to my financial reasons, I had only Public Defender
20 in my criminal case. She had contacted his department.
21 And Mr. Taguchi had questioned him at the DMV, which he
22 got really upset earlier. And Mr. Lee was the Hearing
23 Officer.

24 So he was really upset that I had kind of two lawyers
25 like Mr. Taguchi and Public Defender. And he says, "No

1 team of lawyers can do anything to me. And, you know,
2 I -- I have the power to take you to jail any time.
3 You're asking me, any time nobody can do anything." And
4 then he again gives me a ticket for a U-turn.

5 MR. TAGUCHI: Okay. What happened with that -- that
6 ticket? Did you litigate that ticket in court?

7 MR. BHATNAGAR: Yes. This was just this month, and I
8 was grateful for Ms. Jenny Wong. She represented me, and
9 the judge -- and Mr. Ingrassia also showed up at the
10 traffic court. This was just a couple weeks ago. And he
11 fought and he said -- he complained everything, whatever
12 he could do. Mr. Ingrassia lied everything. And again
13 the judge I'm grateful that found me not guilty.

14 MR. TAGUCHI: So we have -- we have a document of
15 that not guilty ticket.

16 MR. BHATNAGAR: Yes. That's a Minute Order which I
17 gave it to you today.

18 HEARING OFFICER BEIREIS-MOLNAR: Can I interject one
19 question?

20 MR. TAGUCHI: Sure.

21 MR. BHATNAGAR: Sure.

22 HEARING OFFICER BEIREIS-MOLNAR: Have you ever had
23 any contact in -- previous to this DUI incident --

24 MR. BHATNAGAR: I've never been arrest --

25 HEARING OFFICER BEIREIS-MOLNAR: -- with this

1 officer?

2 MR. BHATNAGAR: I've never been arrested in my whole
3 life.

4 HEARING OFFICER BEIREIS-MOLNAR: And the only other
5 contact you've had with him is -- other than the court
6 proceedings was when he pulled you over in September --

7 MR. BHATNAGAR: Yeah.

8 HEARING OFFICER BEIREIS-MOLNAR: -- is that correct?

9 MR. BHATNAGAR: And also like I was getting some
10 weird phone calls. I'm not sure --

11 MR. TAGUCHI: Well, let -- let me -- stop that.

12 MR. BHATNAGAR: Okay.

13 MR. TAGUCHI: Let me -- after you were arrested you
14 were taken down to the station. And what kind -- and you
15 had some conversation with the officer at the -- at the
16 station.

17 MR. BHATNAGAR: Yeah.

18 MR. TAGUCHI: What kind of things did he say to you
19 at the station?

20 MR. BHATNAGAR: I was -- my grandmother, she was at
21 the last stages again. I was kind of upset, you know,
22 the -- the first time being arrested. And I knew like I
23 wouldn't be able to see her. And I was crying. Usually
24 I don't like to cry, but I'm emotional.

25 And this cop said, "Why you crying, you know?"

1 It's -- it's just a misdemeanor. I'm not charging you
2 for a terrorist crime. You look like a terrorist, you
3 know." And he said, "You Asians come and steal jobs
4 here. You deserve" -- you know, like what the hell you
5 doing here? And all those -- he was saying a lot of
6 verbal abuses, but I blocked myself.

7 And I was talking to my friends on the cell phone,
8 and they also was upset like, how could he take all that?
9 And unfortunately, I was by myself in the police station.
10 Only I know what I went through by myself. Because I
11 knew had I retaliated him, he would have really
12 physically beaten me up had I not listened to him
13 everything, whatever he said. And I still think about
14 it. It stresses me out.

15 MR. TAGUCHI: Did he say anything about Asians?

16 MR. BHATNAGAR: Yeah. "You Asians come and steal
17 jobs here." And I just politely, you know, like I still
18 said something like, "I believe this is -- this is my
19 motherland, you know. I respect this country as my
20 motherland. And I can even die for this country if that
21 situation is needed. This is how I take it."

22 Unfortunately, he has a different perception just --

23 MR. TAGUCHI: I want to show you --

24 MR. BHATNAGAR: -- (inaudible). You know, that's --

25 MR. TAGUCHI: -- show you a document. Is this the

1 document where -- the citation that Officer Ingrassia
2 gave you on September 29th of last year that shows a
3 dis -- shows a dismissal?

4 MR. BHATNAGAR: Yes, it was -- yeah. And I had to go
5 to court and watch because they were so busy, so it came
6 to me.

7 HEARING OFFICER BEIREIS-MOLNAR: Okay.

8 MR. TAGUCHI: Okay. I'd like to submit that --

9 HEARING OFFICER BEIREIS-MOLNAR: All right.

10 MR. TAGUCHI: -- as an exhibit.

11 HEARING OFFICER BEIREIS-MOLNAR: I would note that --
12 this exhibit is going to be noted as **Exhibit B**, counsel,
13 which is the Clerk's Docket and Minutes dated March 14th
14 of 2007.

15 (**Licensee's Exhibit B** marked for identification.)

16 MR. TAGUCHI: I have a color photograph of what's
17 depicted as **Exhibit C**. So --

18 HEARING OFFICER BEIREIS-MOLNAR: We can -- if you
19 want to present that --

20 MR. TAGUCHI: Yeah. It's a better copy, so you can
21 see that.

22 HEARING OFFICER BEIREIS-MOLNAR: We can go ahead and
23 tape that to that -- to that photo.

24 MR. TAGUCHI: Thank you. I appreciate it.

25 HEARING OFFICER BEIREIS-MOLNAR: Uh-hmm.

1 MR. TAGUCHI: I would also like to submit the
2 transcript that I've marked --

3 HEARING OFFICER BEIREIS-MOLNAR: Okay.

4 MR. TAGUCHI: -- had marked as -- as next in order.

5 HEARING OFFICER BEIREIS-MOLNAR: Let me get all these
6 put together here.

7 MR. TAGUCHI: That's a transcript of the Motion to
8 Suppress on November 27th, 2006, People of the State of
9 California versus Bhatnagar.

10 HEARING OFFICER BEIREIS-MOLNAR: This is still our
11 documents in there.

12 MR. BHATNAGAR: Aren't these --

13 MR. TAGUCHI: Which document do you have?

14 MR. BHATNAGAR: She handed to you. This is yours.

15 HEARING OFFICER BEIREIS-MOLNAR: The ones with the
16 photographs, the rest of them.

17 MR. BHATNAGAR: Yeah.

18 MR. TAGUCHI: Let me see if I have them.

19 HEARING OFFICER BEIREIS-MOLNAR: And the letters.

20 MR. TAGUCHI: Letters?

21 HEARING OFFICER BEIREIS-MOLNAR: Yeah, there were
22 letters in (inaudible).

23 MR. TAGUCHI: Oh, yes, yes, yes, yes, yes, yes, yes.
24 They're not attached to that?

25 MR. BHATNAGAR: I got letters. I can give you a copy

1 of them if that's --

2 HEARING OFFICER BEIREIS-MOLNAR: There should be a
3 photograph marked B and there's a whole -- there's E, F,
4 G, H missing. I just want to make sure we retain our
5 documents here.

6 MR. BHATNAGAR: Sure.

7 MR. TAGUCHI: Yes.

8 MR. BHATNAGAR: Do you have these copies of these
9 (inaudible)?

10 MR. TAGUCHI: Let's see what you're -- what you have
11 in there.

12 HEARING OFFICER BEIREIS-MOLNAR: Maybe this is it
13 here.

14 MR. TAGUCHI: Yeah, here they are. I've got them
15 right here. Here are the other ones.

16 HEARING OFFICER BEIREIS-MOLNAR: Okay.

17 MR. TAGUCHI: Sorry about that. The phone records.
18 These are the phone records that Mr. Bhatnagar produced.

19 HEARING OFFICER BEIREIS-MOLNAR: Right. That was
20 in --

21 MR. TAGUCHI: These are the phone -- that he was on
22 the phone.

23 HEARING OFFICER BEIREIS-MOLNAR: That's in this
24 exhibit.

25 MR. TAGUCHI: Right. Here are the other exhibits

1 there.

2 HEARING OFFICER BEIREIS-MOLNAR: Okay. I just want
3 to make sure we retain our documents.

4 MR. TAGUCHI: The person testified -- Richard Ha, he
5 testified at the last hearing. He -- he's in this
6 transcript. He's under oath. This is admissible
7 hearsay.

8 HEARING OFFICER BEIREIS-MOLNAR: Okay.

9 MR. TAGUCHI: Since it concerns the same case, same
10 testimony. Also, you can review the -- submit the prior
11 testimony that he gave at this -- at the first hearing.

12 HEARING OFFICER BEIREIS-MOLNAR: Okay. So you want
13 to re-utilize the CD that was presented at the first
14 hearing?

15 MR. TAGUCHI: For the testimony of Mr. Ha. I'd also
16 like to submit this transcript for Mr. Ha, his testimony
17 where he testifies. I'd like to read a few things into
18 the --

19 HEARING OFFICER BEIREIS-MOLNAR: Okay.

20 MR. TAGUCHI: -- into the record.

21 HEARING OFFICER BEIREIS-MOLNAR: And I think that's
22 going to be marked as **Exhibit C**, counsel, is the
23 transcripts from the court proceeding.

24 (**Licensee's Exhibit C** marked for identification.)

25 MR. BHATNAGAR: Should I give her a copy?

1 MR. TAGUCHI: Yeah. That's the --

2 HEARING OFFICER BEIREIS-MOLNAR: Okay.

3 MR. TAGUCHI: That's the one that I want marked.

4 HEARING OFFICER BEIREIS-MOLNAR: All right.

5 MR. TAGUCHI: Per direct examination of -- of Mr. Ha,
6 he's called by the defense.

7 "My name is Richard Ha.

8 "Attorney: May I have an offer of proof as to what
9 this witness will testify?"

10 And the defense attorney says, "Yes. Mr. Ha works at
11 the Valero gas station and witnessed the entire event."

12 Ms. Garrido, who is the attorney for Mr. Bhatnagar:

13 "Thank you for coming.

14 "Answer: Yes, ma'am. Are you --

15 "Question: Are you employed?

16 "Answer: Yes, I am. Valero gas station. I have
17 been working there a year.

18 "Question: Okay. Is that the Valero in San Ramon?

19 "Answer: Yes, ma'am.

20 "Question: And is that the corner of Bollinger
21 Canyon and Marketplace?

22 "Answer: Yes, ma'am.

23 "Were you working on May 20th at about one o'clock in
24 the morning?

25 "Answer: Yes, ma'am.

1 "And did you see -- Question: Did you see
2 Mr. Bhatnagar pull in for gas at about that time?

3 "Answer: Yes.

4 "Question: Was an officer right behind him?

5 "Answer: At that time I went out to check the
6 restroom because some of the from the bar, customers from
7 the bar, the gas station here at the -- the bar here --
8 there, and a lot of people from the bar come here to use
9 the restroom. And some of the customers -- I went to the
10 restroom and I saw him park in the station number two.
11 And I came back. And before that I talked with the lady,
12 the girl. I see she very drunk. And she asked me for a
13 cigarette. At that time I don't have on me, but I can't
14 take cigarettes from my store to give to. I say I can't,
15 and she left.

16 "She went out. At that time I went out, too. I
17 checked the restroom and I saw -- I think he talked with
18 the girl. Right, he talked with the girl. The girl, she
19 was -- I think he [sic] asked him for money.

20 "So she ask -- asking him for money?

21 "Answer: Yes.

22 "Question: When you first see him?

23 "Answer: Yeah. She asked him cigarette something,
24 or -- but I think he refused. And after that I saw the
25 police arrive.

1 "Question: But that was -- was that a couple of
2 minutes later?

3 "Answer: Yeah, couple of minutes later. I think so.
4 I don't know how long it was. I can't -- I can say like
5 two, three minutes, something like that. I don't know.

6 "Question: And did the officer have his emergency
7 lights on his car?

8 "Answer: You mean the light?

9 "Question: Yes.

10 "Answer: I don't know. I don't see it.

11 "Question: And did you see the officer approach
12 Mr. Bhatnagar?

13 "Answer: I think he asked him something. He asked
14 he from the bar or something.

15 "Question: He asked Mr. Bhatnagar if he'd come from
16 the bar across the street?

17 "Answer: Yes. And then I think he asked him did he
18 have a drink. I think he says yes.

19 "Question: If you could hold him -- hold off for a
20 minute and just respond to the specific questions that I
21 ask you, I appreciate that. Where -- were there any
22 other officers besides the one that was talking to
23 Mr. Bhatnagar?

24 "Answer: I think two officer.

25 "Question: And do you know what the other officer

1 was doing?

2 "Answer: I think I saw that the girl -- I think she
3 asked one officer, but I don't know which one officer,
4 for money for buy cigarettes, something like that.

5 "Question: Okay.

6 "Answer: There were two officers.

7 "Question: So one of the officers was talking to the
8 woman, and the other one was talking to Mr. Bhatnagar?

9 "Answer: Yes.

10 "Question: Did you speak with Mr. Bhatnagar that
11 night?

12 "Answer: You mean before?

13 "Question: Or on that night at all.

14 "Answer: No, I don't think so.

15 "Question: Did you know him at that point?

16 "Answer: No.

17 "Question: And you didn't actually speak to
18 Mr. Bhatnagar 'til much later, correct?

19 "Answer: Yes.

20 "Question: When was that?

21 "Answer: You mean I talk with him?

22 "Question: Yes. Did he come to your gas station
23 after that night?

24 "Answer: After that night?

25 "Question: He came in to ask you if you had the

1 video surveillance, right?

2 "Answer: He asked video, but I told him that the
3 video outside, I'm not sure, but I don't think it work.
4 So I give him my manager phone number to him to ask him
5 to get the video.

6 "I have nothing further."

7 And then there's a cross-examination. I'm going to
8 leave that in evidence. I'm going to mark the whole
9 exhibit. So after the --

10 HEARING OFFICER BEIREIS-MOLNAR: Okay.

11 MR. TAGUCHI: After -- there's also Ms. Garrison.
12 She testified. And I also submitted the Declaration
13 that's been a part, and she testified in court and was
14 under direct -- and under examination about overhearing
15 the officer make racial slurs to -- to Mr. Bhatnagar.

16 HEARING OFFICER BEIREIS-MOLNAR: Okay.

17 MR. TAGUCHI: The finding is most -- is most
18 significant going back to the last page, number 60, 60,
19 line 21:

20 "The Court: Submitted?"

21 Twenty-two, "Ms. Garrido: Yes."

22 Twenty-three: "Mr. Garber:" -- who was the D.A. --
23 "Yes."

24 "The Court: The 1538.5 motion is granted. Do you
25 have any other evidence?

1 "Mr. Garber: No, your Honor.

2 "The Court: Case is dismissed.

3 Mr. Garber, the District Attorney, asked, "May I ask
4 the Court's reasoning for the granting of the motion?"

5 The Court on page 61, lines 5 through 8: "I do not
6 credit the officer's testimony. It appears to me as most
7 credible that the officer was trolling for drunk drivers
8 across from the bar and picked on this defendant because
9 of his race."

10 Also, this is not the first time that --

11 HEARING OFFICER BEIREIS-MOLNAR: This is your copy,
12 counsel.

13 MR. TAGUCHI: Okay. Thank you.

14 HEARING OFFICER BEIREIS-MOLNAR: So I'm going to note
15 that there's no objection to **Exhibit No. C** and mark
16 Exhibit C for evidence.

17 (**Licensee's Exhibit C** received in evidence.)

18 MR. TAGUCHI: This is not the first time that Officer
19 Ingrassia has pulled somebody over for his race. We
20 have -- we're submitting the transcript of -- let's see
21 what I got here.

22 HEARING OFFICER BEIREIS-MOLNAR: Before you go
23 through that, **Exhibit A** and **Exhibit B** were -- there'll be
24 no objections to and those documents will be marked and
25 moved for evidence as well.

1 (Licensee's Exhibits A and B received in evidence.)

2 MR. TAGUCHI: Just as recently as February 5th in
3 Contra Costa in front of a different judge in case number
4 128472-8, People versus Raymond Eli, where the Officer
5 Ingrassia has testified under oath, the judge has made --
6 that the judge in this case, in People versus Eli, found
7 that the officer was not telling the truth under oath
8 again. So we have two occasions, two different judges.

9 HEARING OFFICER BEIREIS-MOLNAR: This is my copy?

10 MR. TAGUCHI: Yes.

11 HEARING OFFICER BEIREIS-MOLNAR: Okay.

12 MR. TAGUCHI: Within the same county that the judge
13 found that Officer Ingrassia was not telling the truth
14 under oath. And in People versus Bhatnagar, a specific
15 finding that he pulled Mr. Bhatnagar over because of his
16 race.

17 HEARING OFFICER BEIREIS-MOLNAR: Okay. So **Exhibit D**
18 I don't have any objections to. It'll be marked and
19 moved for evidence.

20 (Licensee's **Exhibit D** marked for identification
21 and received in evidence.)

22 HEARING OFFICER BEIREIS-MOLNAR: And there -- you
23 know, and with regards to the **Department's Exhibit No. 1**,
24 based upon the evidence presented here, is there any
25 further?

1 MR. TAGUCHI: Yes, there is further. You'll see that
2 the blood test that I have marked here that Officer
3 Ingrassia writes down a report number that he put the
4 blood in as 34664, and the one that is tested is -- is a
5 different -- is a different --

6 MR. BHATNAGAR: Number.

7 MR. TAGUCHI: -- envelope number. The envelope
8 number that was tested was 34644. And he writes in his
9 report that --

10 HEARING OFFICER BEIREIS-MOLNAR: 34664?

11 MR. TAGUCHI: Three -- Ingrassia writes he used
12 envelope 34664.

13 HEARING OFFICER BEIREIS-MOLNAR: Uh-hmm.

14 MR. TAGUCHI: And according to the report here for
15 the -- from the toxicologist it was envelope number
16 34644. We don't know if it's a typographical error or
17 not since he's not here to testify.

18 HEARING OFFICER BEIREIS-MOLNAR: Okay. I have to
19 agree with that one, counsel. And the officer's blatant
20 disregard to evade the Subpoena certainly speaks for his
21 apparent possible credibility in this regard.

22 MR. TAGUCHI: We're submitting the case at this
23 point.

24 HEARING OFFICER BEIREIS-MOLNAR: So **Exhibit No. 1** I'm
25 going to sustain your objections to, counsel.

1 MR. TAGUCHI: Thank you very much.

2 HEARING OFFICER BEIREIS-MOLNAR: And this matter will
3 be set aside.

4 MR. TAGUCHI: All right. Thank you very much.

5 MR. BHATNAGAR: Thank you.

6 HEARING OFFICER BEIREIS-MOLNAR: Okay. Is there
7 anything further?

8 MR. TAGUCHI: No.

9 MR. BHATNAGAR: No.

10 HEARING OFFICER BEIREIS-MOLNAR: Okay.

11 MR. BHATNAGAR: Thank you so much.

12 HEARING OFFICER BEIREIS-MOLNAR: I'm going to end
13 this hearing.

14 (Hearing concluded.)

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25

TRANSCRIBER'S CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF YOLO

I, Leisa M. Miller, Vine, McKinnon & Hall,
2959 Promenade Street, Suite 200, West Sacramento,
California, 95691, hereby certify that I transcribed the
foregoing pages to the best of my ability from an
electronic recording taken at the hearing in the matter
of the driving privilege of:

Abhinav Bhatnagar

36927 Papaya Street, Newark, CA 94560

before a Board of Officers or employee of the Department
of Motor Vehicles, consisting of:

Hearing Officer J. Beireis-Molnar

on the 30th of March, 2007, at

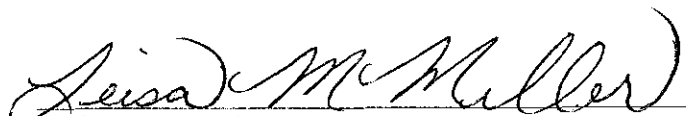
Department of Motor Vehicles

303 Hegenberger Road, Suite 400

Oakland, CA 94621

I declare under penalty of perjury under the laws of
State of California that the foregoing is true and
correct.

Executed this 22nd day of October, 2007, Sacramento,
California.


Leisa M. Miller

CASE TYPE:
APS
DRIVER'S NAME:
ABHINAV BHATNAGAR
DRIVER LICENSE OR FILE NUMBER:
D3219816



STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES
A Public Service Agency
OFFICE OF THE DIRECTOR

Executed on November 9, 2007 at Sacramento, California.
DATE

The attached photocopy(ies) is/are a true and correct copy(ies) of the original document(s) on file with the Department.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

George Valverde

GEORGE VALVERDE, Director
Department of Motor Vehicles

BY

Petra Rojas

Section 1530, 1531 and 1532, California Evidence Code, provide that photographic copies of the records of the Department of Motor Vehicles, when certified by the Department, shall be admitted in evidence with the same force and effect as the original records. Residence address information is restricted pursuant to 1808.21 C.V.C. In accordance with Section 1813 C.V.C., the above officer of the Department of Motor Vehicles has been authorized to prepare under seal and certify copies of records of this Department.